

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 4:09CR73

BRIAN JOHNSON

ORDER

This cause is before the Court on the defendant's Motion for Continuance of Trial [20]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The defendant seeks a continuance of the trial set to commence on August 24, 2009. In support of the motion, defense counsel avers that the government intends to provide additional discovery. Review of said discovery is essential to defense counsel's efforts to resolve the case by means of a plea agreement. The government has no objection to the requested relief. Based on the foregoing, the Court finds that the defendant's motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from August 24, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant a reasonable time for adequate and effective preparation of his defense. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. Defendant's Motion for Continuance of Trial Setting [20] is GRANTED;
2. That the trial of this matter is continued until Monday, September 28, 2009 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from August 24, 2009 until September 28, 2009 is excluded as set out above;
4. That the deadline for filing pretrial motions is September 8, 2009;
5. That the deadline for submitting a plea agreement is September 14, 2009.

SO ORDERED, this the 13th day of August, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE